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TRANSMITTAL FORM

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		Application Number	10/536,888
		Filing Date	May 31, 2005
		First Named Inventor	Thomas R. Young
		Group Art Unit	1638
		Examiner Name	Russell P. Kallis
Total Number of Pages in This Submission	4	Attorney Docket Number	63-000210US

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group, P.C.
Signature	
Date	January 24, 2008

CERTIFICATE OF MAILING

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By: Deborah Barragan
Deborah Barragan

Appl. No. : 10/536,888 Confirmation No. 1367

Applicant : Thomas R. Young, et al.

Filed : May 31, 2005

TC/A.U. : 1638

Examiner : Russell P. Kallis

Docket No. : 63-000210US

Customer No. : 22798

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION

In response to the restriction requirement of December 27, 2007, Applicants Elect Group I, E, iii., with traverse.

Applicants detailed the improper nature of the Examiner's original restriction in their response of October 3, 2007. Applicants hereby incorporate the reasons noted as to why the restriction is fatally improper here. Applicants note that the careful analysis of correct restriction practice previously presented is unanswered by the current new restriction, which simply compounds the problems previously detailed, by presenting a further improper restriction based upon "carotinoid biosynthetic polypeptides."

The correct restriction procedure to be used in the situation where a purely *generic* claim encompasses multiple *species* is election of species practice, as specified by 37 C.F.R. § 1.146. In addition to being the only correct procedure in the present circumstances, election practice is no more burdensome than the restriction approach noted by the Examiner. Specifically, if a *generic* claim and elected *species* are examined and found to be unpatentable, the application is limited to the elected species. If the genus claim is patentable, no further searching is necessary